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Federal Communications Commission
Office of Secretary

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Revision of Procedures Governing) MB Docket No. 05-210
Amendments To FM Table of) RM-10960
Allotments and Changes Of)
Community of License in the)
Radio Broadcast Services)

To: The Commission

REPLY COMMENTS OF CHARLES CRAWFORD

I.

Unfair comment re rural areas

1. American Media Services, et al, get the "cheap shot of the docket award" for their demeaning reference at 8 to "rural areas [that] offer cost-free land to lure new residences to regions that have become increasingly depopulated." The needs of rural areas in this nation are vital and deserve attention and respect by the FCC in this proceeding.

2. For a more illustrative view of the attraction of rural areas to citizens in our country, we shall use examples from the state of Maryland that may be meaningful to the Commission's staff because of their familiarity with area. Attached as Exhibit A is an editorial in the Baltimore Sun dated April 25, 2005 entitled "State of sprawl" which describes Baltimore and the inner suburbs of Washington, D.C. as experiencing little or no growth, whereas in five outer counties populations have grown the fastest. Three of these five counties are located in predominantly rural areas, i.e., Cecil County in the uppermost northeast corner of the state, Calvert County and St. Mary's County, in southern Maryland.

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List A B C D E

3. Attached as Exhibit 2 is an article appearing in the October 24, 2005 issue of the Washington Post indicating that Calvert County in Southern Maryland became "the fastest-growing county in the state during the 1990's."

4. Attached as Exhibit C is a recent article in the Maryland Coast Dispatch entitled "County Second to Garrett in Affordable Housing", indicating that Worcester County (Ocean City) has been displaced by Garrett County at the remote western end of the state as Maryland's "least affordable county" because of interest in homes there.

II.

Filing Form 301 in allotment proceedings

5. Some commenting parties argue for a requirement that an application for construction permit be submitted with a proposal or counterproposal, including payment of the application filing fee. The Commission has aschewed this requirement throughout the years for the obvious reason that it would require the agency to process large numbers of applications that ultimately will be thrown in the waste basket when the requested allotment is denied or likely may need to be amended to reflect transmitter site or other changed circumstances some years later when the allotment is granted.

III.

Filing fee in allotment proceedings

6. Some commenting parties argue for a filing fee for a petition or counterproposal including discussion of a legal basis for requiring such a fee, although the Commission has managed its

highly successful FM and television allotment programs for about 70 years without such a requirement. As indicated in our opening comments, this requirement would be a comparatively greater financial burden on proponents of allotments in rural areas in comparison to the financial means and incentives of parties interested in filing for allotments in the cities and urban areas.

7. As also indicated in our opening comments, the allotment petitions filed for rural areas, such as those filed by Mr. Crawford, are a "drop in the ocean" compared with allotment petitions and proceedings leading to the mosaic of commercial stations in our nation's cities and urban areas; his effort seeks to secure a tiny portion of the remaining spectrum from being siphoned into cities and urban areas.

8. If the Commission is persuaded to charge a fee for the filing of allotment petitions and counterproposals, the amount of the fee should be geared to number of elements in the petition and counterproposal. That way, the fees would be fairly applied based on the agency's cost of processing the rulemaking proceeding. A singleton petition with perhaps a single counterproposal requiring minimal staff processing time and effort would incur a relatively modest filing fee. A complex multi-party petition or a complex multi-party counterproposal tacked on to a seemingly remote and isolated petition would incur a much larger fee commensurate with the processing time and effort required on the part of the Commission.

IV.

Allotment "procedures" impact the
"substance" of the allotment regulatory program

9. Some parties argue that the proceeding should be restricted to procedural aspects of the allotment process and that substantive questions, such as rural vs. city/urban allocation issues, should be left to some other, future proceeding. This is deceptive and irrational. The procedures impact the substantive issues.

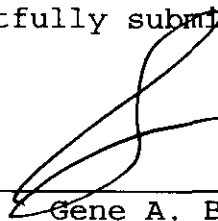
10. For example, we have attacked the Commission's "Tuck" policy as a faulty procedure that violates the agency's duty to engage in reasoned decision-making. Motor Vehicle Manufacturers Association v. State Farm Insurance Company, 463 U.S. 29 (1983). The impact of that procedure has been to facilitate moving existing FM stations from outlying communities into the cities and urban areas simply for the asking. This has resulted in a de facto substantive rural v. city/urban allocation regulatory program in which the rural interest never wins.

11. For another example, First Broadcasting Investment Partners, LLC proposes, and the Commission's notice calls for comments on, a first-come, first-served filing procedure with a go-no-go result based upon population-favored reception services in which the rural interest would never win either. Read the comments of First Broadcasting at n.10, page 6, i.e., the Commission should not here concern itself with rural vs. city/urban regulatory issues. Then read pages 10-12, i.e., all the Commission should do now is adopt a new allotment procedure

that allows an FM station to move into the city on its own motion so long as the community that is losing its only local station has two reception services available. The thrust and tenor of its overall presentation is to argue for a more "pro-city" FM allocations regulatory program by the Commission.

12. The Commission should reject this harsh abandonment of localism in the agency's FM allotment principles and policies. Among other things, as indicated in our opening comments, we suggest that the Commission modify the "all other category" of allotment principles to favor the establishment of new allotments for underserved rural areas.

Respectfully submitted,



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ORIGINALS

EXHIBIT A

THE SUN

EDITORIALS

State of sprawl

THE LATEST Census Bureau estimates are in for Maryland, and they add up to a state in which residents continue moving farther and farther away from developed areas — a state in which sprawl, despite Maryland's history of breakthrough growth-management efforts, continues to gobble up land.

Overall, Maryland's growth slowed in the year ending last July. Baltimore lost residents. The city's and Washington's inner suburbs grew modestly. But in five outer counties — Cecil, Calvert, Charles, St. Mary's and Washington — populations rose the fastest, from 2 percent to almost 3 percent in just one year, largely from in-state migration.

That stretched-out growth pattern chews up land, lengthens commutes, pollutes the Chesapeake Bay and strains local budgets. It creates a state that's a checkerboard of suburbs, a place with too little *there* there.

If that underscores the insufficiency of Maryland's Smart Growth programs and its extensive land purchases under former Gov. Parris N. Glendening, it also speaks to the near-emptiness of Gov. Robert L. Ehrlich Jr.'s approach to growth management.

The administration has done some good things. The state Planning Department has prodded counties to tally by a single standard their available building lots, a seemingly simple task riven with complexities. It has put its own stamp on Smart Growth, recasting it as a Priority Places program emphasizing revitalizing older areas.

But the four communities designated so far as Priority Places — areas of Hyattsville

and Crisfield were named last week — can expect for now to get only some technical and regulatory assistance, not state aid. State land purchases have stopped under Mr. Ehrlich. The administration is unenthusiastic about mass transit, opting instead for sprawl-inducers, the widening of Route 32 in rural Howard County and construction of the Intercounty Connector from Interstate 95 to Interstate 270.

The administration can counter rightfully that land-use decisions largely remain a local matter — and, indeed, there's plenty of blame to go around.

Baltimore has made good use of state historic tax credits to foster redevelopment, and Baltimore County is trying to remake its older Beltway neighborhoods while protecting its northern farmland. But too many counties still resist using zoning to steer growth and affordable housing to already built-up areas and away from open land. Their zoning codes still allow developers to sprinkle homes across farmland — and Priority Places aside, there's little encouragement from this State House to summon the needed political courage to do otherwise.

Meanwhile, the Census Bureau now projects that Maryland's population will grow by a third from 2000 to 2030, hitting 7 million — 500,000 more people than the state had been estimating.

Maryland's growth pressures will only increase. And while they tend not to grab daily headlines, how well they're managed likely will have a more enduring impact on the quality of life in Maryland than anything else on the governor's agenda.

EXHIBIT B

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Departing Twenty-Somethings Leave a Lonely Void in Calvert

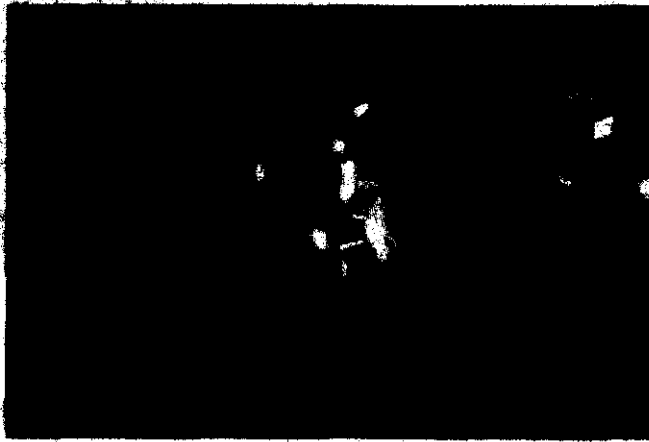
By AMIT R. PALEY
Washington Post Staff Writer

It was just past 9 p.m. on a Friday night, so Pat Brown, like any self-respecting 24-year-old party boy, made a beeline for the hottest bar in town. But when he arrived at the Taverna, considered the trendiest night-spot in central Calvert County, barely a handful of the 75 or so patrons were within a decade of his age.

A 36-year-old mother of two warbled a karaoke song about diapers and the PTA. A 51-year-old electrician with thinning hair shot pool in the corner. And two happily married women with bangs and sensible shoes sipped beer at the bar.

"It's like I'm living on a different planet," said Brown, who grew up in the area. "Sometimes I feel like there's no one else my age in this whole county."

Where have all the twenty-somethings gone? Even as this Southern Maryland peninsula became the fastest-growing county in the state during the 1990s, the number of people ages 20 to 29 dropped by 746. Only 8.8 percent of Calvert residents are in their



BY MICHAEL ROBINSON-CHAVEZ — THE WASHINGTON POST

"It's like I'm living on a different planet. Sometimes I feel like there's no one else my age in this whole county."

Pat Brown, 24

twenties, according to the 2000 Census — down from 15.3 percent in 1980, a more precipitous drop than the slight decrease nationwide in the percentage of people in that age group. The national average is 13.6 percent.

The generational shift in Calvert — which along with Fauquier County had the lowest percentage of adults in their twenties in the Washington region in the 2000 Census — is in part an extreme example of a phenomenon found throughout the region's outer suburbs: Young people are fleeing.

It's nothing new that bright-eyed high school graduates quit their rural communities to make their marks in a big city. But what is different today is that many exurban twenty-

some things who want to remain in their home towns can no longer afford to, affordable housing advocates say.

"We're forcing our next generation out of the area," said Linda Bracey, whose 23-year-old daughter lives in Bracey's Hunting-

See TWENTIES, B5, Col. 1

Washington Post
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TWENTIES, From B1

town house because she can't afford to buy or rent a home. "Pretty soon, half of us are going to be under 18, and the rest of us are going to be over 50."

In exurbs such as Calvert, nobody used to talk much about affordable housing. When Bracey moved to the county in 1977, it was filled with vast expanses of undeveloped land and scores of cheap homes. She and many of her neighbors supported slow-growth policies to prevent outsiders from inundating the county and turning it into a metropolis.

Now, the children of those exurban pioneers are in their twenties and unable to find homes. Some are moving to closer-in Washington suburbs where they can rent an apartment — apartment rentals in Calvert are almost nonexistent. Others have moved out of the region altogether, buying houses in such places as West Virginia and North Carolina.

An advocacy group, Housing for All Calvert, was formed this summer to push the county to address the problem.

"What we're experiencing now with the cry for affordable housing is the panic from this second generation," said Olivia Campbell, 24, who lives with her mother in Dunkirk. "Now those kids are like, 'What are we supposed to do?'"

Will Kreamer, 23, is struggling to answer that question. His family moved to Calvert when he was 3 years old and settled into a quaint \$82,000 Cape Cod in the waterfront community of White Sands.

"Nobody wanted to live here back then. It was a no man's land," said his father, Bill Kreamer. "Anybody could get a good deal on a home."

Today, their house is worth about \$290,000 — which seems like a bargain compared with the reported \$349,375 average home price in Calvert.

Will Kreamer said he can't afford a house in the county, and he has thought about renting an apartment in Northern Virginia. But he can't bring himself to leave the community where he grew up.

"I love this county. It's beautiful. It's on the water. It's not real crowded," said Kreamer, who works four days a week at his family's produce stand and is studying for a master's degree in public policy at George Mason University. "But there's a serious lack of affordable housing, and it's getting worse."

To make ends meet, Kreamer is living in the tiny bedroom where he grew up. On a recent weeknight, as his father stirred pungent chicken soup in the kitchen, Kreamer glanced at a poster of an underdog-clad Homer Simpson hanging on the wall of his room. A homemade African drum rested in the corner. Patch CDs spilled across his bureau.

He sighed. He doesn't want to live with his parents anymore. "I'll probably have to move out of Calvert next year to find my own place," Kreamer said. "Where? I have absolutely no idea."

The number of Americans in their twenties decreased by 2½ percentage points during the 1990s, a drop attributed to lower birth rates during the 1970s. But in the Washington region, the decline was felt more acutely in parts of the exurbs than in the closer-in suburbs. The number of twenty-somethings in Calvert dropped 5.4 percentage points from 1990 to 2000; in Fauquier, it fell 5.9 percentage points. In both Arlington and the District, for example, that figure decreased 1.9 percentage points in the same period.

More recent estimates from the Census Bureau suggest that the percentage of adults in their twenties in Calvert has risen since 2000, although demographers caution that these rough figures are

sometimes inaccurate. Josh Schneider, 27, like other young adults in the county interviewed for this article, said he hasn't seen an increase.

The few twenty-somethings who stay in outer counties such as Calvert say life is often subterranean and lonely.

"Most of the young people I know here live in a basement," said Schneider, a high school physics teacher who rents the basement of a house owned by a married couple in Owings. Almost everyone he knows in the county is married and much older.

Although youth-oriented clubs and bars are beginning to pop up in at least one exurb — Loudoun County — Schneider, who moved to Calvert to teach, said night life in the county is geared toward a much older crowd. "You're not going to see musical groups popular with young people down here. Nothing like Oasis or Green Day," he said. "We only get old

bands like Crosby, Stills and Nash and Bob Dylan."

"If you want to have a social life," Schneider said, "you go up to Annapolis."

Some Calvert natives such as Pat Brown try to find a semblance of a social life inside the county. On a recent Friday, he headed to the center of St. Leonard determined to find some fellow twenty-somethings and, hopefully, a good time.

A dozen of his buddies sat in a corner of the Tavern, but Brown, a musician who lives with his grandmother, said things just aren't the same since most of his friends escaped Calvert.

Many left in search of affordable housing or higher-paying jobs, he said, but a lot just wanted to move somewhere filled with people their age.

EXHIBIT C

County 2nd To Garrett In Affordable Housing

BY SHAWN J. SOPER
NEWS EDITOR

BERLIN - The median first-time buyer home price in Worcester has nudged past the \$300,000 mark for the first time, which suggests the affordable housing issue in the county is moving further away from being resolved, but Worcester has been supplanted as the least affordable county in Maryland by Garrett County at the extreme western end

of the state.

Garrett is now the least affordable county in Maryland in terms of median new home prices, according to Blueprint Maryland, a bi-monthly publication produced by the state's Department of Housing and Community Development (DHCD), which tracks housing and real estate trends across Maryland. The distinction of being the least affordable belonged to Worcester County in recent years, but Garrett now has the

dubious distinction.

Worcester and Garrett could not be more different for many reasons, not the least of which is simple geography. Worcester is Maryland's extreme eastern county and the only one to border the Atlantic, while Garrett is located in the mountainous extreme western corner of the state.

Beyond geography, however, the two counties could not be more simi-

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lar in terms of what is going on with real estate, housing prices and affordability. In Worcester County, the booming real estate market that has shown no signs of slowing down is being driven by the desire of many to relocate by the ocean and the bays, while in Garrett County, that same desire is driving empty-nesters and retirees closer to picturesque Deep Creek Lake.

The two polar opposite counties are ranked numbers one and two as the least affordable jurisdictions in the state in terms of housing affordability with Garrett one and Worcester two based on an accepted housing affordability indicator. Called the First-Time Buyer Affordability Index, the indicator is essentially a ratio of the Maryland first-time buyer's median household income to the qualifying income needed to buy the median starter home at current market levels.

The index is basically a relationship between the median cost of a starter home and the median income levels of first-time buyers pursuing those homes. In its June-July 2005 issue, Blueprint Maryland assigned a housing affordability index value of 39 to Worcester County, meaning the average first-time buyer earns just 39 percent of the income needed to purchase the median starter home, which has now nudged past the \$300,000 mark at \$300,900.

In Garrett County, however, with its development boom around Deep Creek Lake, the housing affordability index has now dropped to 30, meaning first-time buyers earn just 30 percent of the income needed to buy the median starter home, which now tops out at \$305,150. Horace Greeley said "Go west, young man," but don't go too far west if you're looking for an affordable starter home.

Garrett (30) and Worcester (39) are ranked last and second to last respectively in terms of housing affordability in Maryland, followed by Talbot (44), Queen Anne's (52) and Kent (55). Closer to home, Wicomico's housing affordability index came in at 77, while Somerset came in at 82.

Allegany County, Garrett's neighbor immediately to the east, is the most affordable with an index of 116, meaning residents there actually earn more than they need to afford the typical starter home. However, the typical starter home in that county comes in at just over \$77,000.

Much like Worcester, Garrett is undergoing a real estate boom centered around the county's greatest assets with countless residential developments sprouting up around Deep Creek Lake. Lakefront homes and condominiums are drawing the highest sales prices, with other new developments fanning out from the waterfront, which is exactly what is going on in Worcester on a slightly different scale.

"The driving force right now in our county is Deep Creek Lake," said Garrett County Administrator R. Lamont Pagenhardt. "We're growing

at such an accelerated rate because of the development around the lake. We're struggling to control the growth, but we're also aware we don't want to kill the golden goose."

If that sounds familiar, similar sentiments have been echoed by Worcester officials over the last several years as the county has struggled to accommodate growth while preserving the very assets that are driving it.

"All of this growth is a good thing," said Pagenhardt. "It's really a good dilemma to be in. We've actually lowered taxes, the county has no debt to speak of and we've been able to fund a lot of high-dollar capital projects."

Pagenhardt said the struggle for Garrett has been accommodating growth while ensuring the infrastructure is in place to support.

"The biggest thing we're facing right now are water and sewer issues," he said. "It's a constant struggle and really the only thing that can derail this growth spurt."

Worcester County Supervisor of Assessments Robert Smith agreed there are many parallels between what is going on in Worcester and Garrett Counties, but questioned if the high-dollar condominiums were factored into the affordability equation in Garrett.

"I'm not certain if Garrett is counting the lakefront condos in its equation, but we don't have in Worcester," said Smith. "If we did, that number would be off the charts. We have condos in Ocean City selling for \$800,000 to \$1.2 million, which we don't consider when determining the median home price. If we did, the number would be so skewed, it wouldn't even be relevant. Of course, we're not competing with Garrett because it's a pretty dubious honor to be least affordable."

Smith's office is currently reassessing all of the properties in Ocean City as part of its ongoing process to reassess the entire county.

"The early indications show that soaring property values in Ocean City have not slowed down over the last three years," he said. "If anything, it continues to go up. We have seen a trend of fewer total sales, but the values of those sales continue to climb."

Smith said the slight decline in the number of sales is likely attributable to a growing concern that sale prices are exceeding values. "People are a little afraid that the price compared to value is getting to the point of leveling off," he said. "It's like a roller coaster. Is it still climbing slowly to the top, or is it near the crest and ready to begin its rapid descent?"

Smith said his assessors have been stunned by the soaring values of condos in Ocean City that are 10 and even 20 years old. "One assessor came back throwing his hands up in the air because there is no rhyme or reason to it," he said. "We have condos built in 1985 that three years ago sold for \$300,000 and are now selling for \$700,000. It really doesn't make any sense."